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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA
ex rel. Bradley D. Keever, Relator,

Plaintiffs,

v.

HANFORD MISSION INTEGRATION
SERVICES, LLC,
Defendant.

No. 4:21-CV-05156-SAB

Joint Proposed Discovery Plan

Pursuant to Federal Rules of Civil Procedure 26(f), Local Rule 26.1, and the Court's Notice Setting Telephone Scheduling Conference of May 16, 2024 (ECF No. 30), the parties conferred on April 25 and May 2, 2024, and prepared a Joint Proposed Discovery Plan as follows:

1. Service: Service of the Government's Complaint in Intervention on Defendant is Complete.

2. Jurisdiction and Venue: The parties agree this Court has jurisdiction under 31 U.S.C. § 3732(a) and 28 U.S.C. §§ 1331, 1345, and 1355. Venue is proper

1 in the Eastern District of Washington as Defendant HMIS conducts business in the
2 Eastern District of Washington, and a substantial part of the events giving rise to
3 the claim occurred in this judicial district. 28 U.S.C § 1391(b)(2). The parties agree
4 Plaintiff has standing.
5

6 **3. Magistrate Judge:** The parties do not consent to this matter being tried
7 before a magistrate judge.
8

9 **4. Brief Description of Claims and Defenses:** The United States alleges
10 that Defendant HMIS violated the False Claims Act by submitting claims and
11 receiving payment for labor hours not actually worked by the Fire Systems
12 Maintenance personnel employed by HMIS at the Department of Energy's Hanford
13 Nuclear Site. Defendant denies HMIS violated the False Claims Act.
14

15 **5. Preferred Trial Date:** The parties agree to a trial date in fall of 2025,
16 subject to the Court's availability. The Government anticipates it will need three
17 weeks for its case-in-chief. Defendant requests equal time but does not agree that
18 a six-week trial ultimately will be necessary.
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21 **6. Anticipated Motions:** The parties anticipate motion practice, including
22 motions for partial or full summary judgment on liability and/or damages.
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24 **7. Initial Disclosures:** Initial disclosures will be exchanged within 14
25 days after the parties' Telephonic Scheduling Conference with the Court on May
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1 16, 2024, in accordance with FRCP 26(a). No changes are needed to the form or
2 requirements under Rule 26(a).

3
4 **8. Discovery:** The parties anticipate conducting discovery on the United
5 States' claims, potential damages, and Defendant HMIS' affirmative defenses.

6 Discovery Deadlines: The parties agree with the Court's outlined deadlines,
7 based on a fall 2025 trial date, except with regard to particular case deadlines as
8 described in Section 12.

9
10 Electronically Stored Information: The parties agree to the exchange of
11 electronically stored information, when possible, to minimize discovery expenses.
12 The parties have agreed to work cooperatively to manage ESI issues and to continue
13 discussing the most efficient approach to electronic discovery. Pursuant to Fed. R.
14 Civ. P. 5(b)(2)(E), the parties agree and stipulate that service in this matter may be
15 made via email.
16

17
18 Privilege: Any claims of privilege will be governed by the Federal Rules of
19 Civil Procedure, Federal Rules of Evidence, and applicable laws of the United
20 States. With respect to protection of confidential information, the parties are working
21 to draft a proposed Stipulated Protective Order to protect any confidential business
22 records, personnel and/or agency records, and any other cognizable privacy interests.
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25 Modifications to Standard Discovery Procedures: The parties agree that the
26 limits set forth in the Local Rules for requests for admission and requests for
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1 production should be increased to 30 requests for admission and 40 requests for
2 production.

3
4 With respect to depositions, the Government proposes that each party may
5 conduct 30 depositions, and that a deposition noticed under Fed. R. Civ. P. 30(b)(6)
6 will be considered one deposition, regardless of whether the topics noted require the
7 designation of several individuals.
8

9 The Defendant proposes that each party may conduct 15 depositions
10 (exclusive of cross-notices), and that a deposition of a party (as opposed to a non-
11 party) noticed under Fed. R. Civ. P. 30(b)(6) will be considered one deposition,
12 regardless of whether the noticed topics require the designation of several
13 individuals. This limitation will not apply to Rule 30(b)(6) notices propounded to
14 non-parties.
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17 **9. Class Certification:** Not alleged.

18 **10. Minor/Incompetent Party:** Not applicable.

19 **11. Special Procedures:** Not applicable.

20
21 **12. Modifications to the standard procedures:** To allow adequate time
22 to address any potential expert opinions, the parties propose the following minor
23 modifications to the Court's default scheduling deadlines: (a) simultaneous expert
24 disclosures, 250 days before trial (instead of 230 days); (b) rebuttal expert
25 disclosures, 220 days before trial (instead of 200 days); (c) motion to amended or
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1 add parties, 230 days before trial (instead of 210 days); (d) discovery cutoff, 171
2 days before trial (instead of 140 days). These changes will afford the parties more
3 time to prepare and respond to *Daubert* and dispositive motions, the deadlines for
4 submission of which remain subject to the Court's standard deadline conventions
5 (192 days and 132 days before trial, respectively).
6

7 **13. Bifurcation:** Not applicable.
8

9 **14. Dispute Resolution:** The parties will engage in settlement discussions,
10 and the parties anticipate mediation taking place in this matter prior to trial.
11

12 **15. Issues for State Certification:** Not applicable.
13

14 **16. Other Matters:** The parties have no other matters that may be
15 conducive to the just, efficient, and economical determination of this action.
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17 The parties certify that this report reflects the results of their April 25 and
18 May 2 conferences and the parties' positions with respect to each subject relevant
19 to discovery.
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